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Marko Kokko

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32294

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EXAMINER

KING, SIMON

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/816,927	<b>Applicant(s)</b> KOKKO ET AL.	
	<b>Examiner</b> SIMON KING	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12-29, 31-48, 50-58 and 64-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-29, 31-48, 50-58 and 64-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 12 objected to because of the following informalities: Claim 12 is dependent to claim 11, which is a cancelled claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 26, the cited claim as ".....are provided in the a, at least one of ....." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9, 12-29, 31-48, 50-58 and 64-67 rejected under 35 U.S.C. 102(e) as being anticipated by Mohan et al. (US 2003/0063590 A1).

As for claim 1, Mohan discloses a method (abstract) comprising: receiving in a response server (Fig.1: MMS/SMS 127) a media message from a terminal (Fig.1: 102A), the media message comprising response content (Fig.6 and [0076]: selection from menu options) and application specific content (Fig.6 and [0076]: record voice clip); and using the application specific content to program a call response of the response server ([0077]: The MPCM service sends (7D) the recorded voice clip to the called party. The MPCM service sends (8) a menu of options to the called party) ([0075-0077]).

As for claim 2, Mohan discloses the method, further comprising: receiving, by the response server, one of a call and a session request from another terminal directed to the user of the terminal; and playing one of the response content and a part of the response content as a voice mail announcement to the another terminal ([0079]).

As for claim 3, Mohan discloses the method, wherein the media message is a multimedia messaging service message ([0033]).

As for claim 4, Mohan discloses the method, wherein the media message is a session initiation protocol message ([0074]).

As for claim 5, Mohan discloses the method, further comprising: receiving by the response server one of a call and a session request from another terminal directed to a user of terminal to the response server; and transmitting one of the response content and a part of the response content to the another terminal in a response media message ([0079]).

As for claim 6, Mohan discloses the method, further comprising: receiving by the server one of a call and a session request from another terminal directed to a user of terminal to the server; checking a media capability of the another terminal; and transmitting one of the

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response content and a part of the response content to the another terminal in a response media message when detecting that the another terminal has media capability ([0052-0053]).

As for claim 7, Mohan discloses the method, wherein one of the response content and the part of the response content is additionally played to the another terminal as a voice mail announcement ([0055]).

As for claim 8, Mohan discloses the method, wherein the transmitted response content includes at least one of audio content, a picture and a video clip ([0076]).

As for claim 9, Mohan discloses the method, wherein the transmitting one of the response content and the part of the response content in the response media message comprises transmitting one of a multimedia messaging service message and a session initiation protocol message ([0033] and [0074]).

As for claim 12, Mohan discloses the method, wherein the application specific content includes information for authentication of a sender of the media message ([0049-0051] and [0086]).

As for claim 13, Mohan discloses the method, further comprising: checking the information before authorizing programming of the call response ([0086]).

As for claim 14, Mohan discloses the method, wherein the information comprises at least a personal identification number code for authentication and authorization ([0045]).

As for claim 15, Mohan discloses the method, wherein the application specific content includes at least one parameter of: a time of a call; control information for network provided information / assisted operation; different messages based on callee's location; and a validity time of the instructions, wherein the parameters allow different responses to be one of played to different callers and played at different calling times ([0075]).

As for claim 16, Mohan discloses the method, further comprising: providing several

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different media messages, with different audio contents, in a terminal; selecting at least one of the provided media messages; and transmitting and processing the at least one selected media messages ([0011] and [0082]).

As for claim 17, Mohan discloses the method, wherein the media message comprises caller identification information, and the method further comprises: associating the response content with a user of the terminal and with caller identification information ([0045]).

As for claim 18, Mohan discloses the method, further comprising: receiving at least two response contents associated with a same user of the terminal and to different caller identification information in the server (Fig.6 and [0080]: combination of choices).

As for claim 19, Mohan discloses the method, comprising: receiving by the server one of a call and a session request of another terminal directed to a user of the terminal, detecting a caller identification information of the caller, and one of playing the response content to the another terminal, and responds with a media message comprising the response content, wherein the response content is associated with the user of a terminal and with detected caller identification information corresponding to the caller ([0086] and [0082]).

As for claim 20, Mohan discloses the method, wherein providing the media message in the terminal comprises providing the media message in a mobile terminal (Fig.1: 102 A).

As for claim 21, Mohan discloses the method, wherein the server is implemented in a multimedia messaging service center (Fig.1: MPCM 194).

As for claim 22, Mohan discloses an apparatus (abstract), comprising: a receiver (Mohan: claim 28) configured to receive a media message which includes response content and application specific content; and a processor ([0027]) configured to store the response content, and to use the application specific content to program a call response of the apparatus (see

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rejection for claim 1).

As for claim 23, Mohan discloses the apparatus, wherein the apparatus is configured to play one of the response content and a part of the response content to another terminal as a voice mail announcement when one of a call and a session request of the another terminal directed to the terminal is received by the apparatus ([0079]).

As for claim 24, Mohan discloses the apparatus, further comprising: a transmitter (Fig.2: SPI-138 and Mohan: claim 34) configured to transmit one of the response content and at least part of the response content in a new media message to the another terminal (Mohan: claim 34)

As for claim 25, Mohan discloses the apparatus, further comprising: a processor configured to check a media capability of the another terminal; and a transmitter configured to transmit one of the response content and at least part of the response content in a new media message to the another terminal in case the another terminal comprises media capability ([0052-0053]).

As for claim 26, Mohan discloses the apparatus, wherein: several different media messages, including multimedia messaging service messages with different response contents, are provided in the a, at least one of the provided media messages are selected by the terminal, and the at least one of the selected media message are transmitted and processed in the apparatus (Fig.2 and [0039]).

As for claim 27, Mohan discloses the apparatus, wherein the media message includes caller identification information indicating a caller of one of a call and a session forwarded to a server, and wherein the receiver configured to receive the response content of the media message in the server associated with the terminal and with the caller identification information ([0045]).

As for claim 28, Mohan discloses the apparatus, wherein the receiver is configured to

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receive at least two response contents associated with a same terminal or a same user of the same terminal, and with different caller identification information (see rejection for claim 18).

As for claim 29, Mohan discloses the apparatus, wherein the apparatus is configured to detect, when a call or a session request of another terminal directed to a terminal is forwarded to the apparatus, caller identification information indicating a caller of the call or the session forwarded to the apparatus, and to play or transmit, to the another terminal, the response content which is associated with the terminal and with the detected caller identification information ([0086] and [0082]).

As for claim 31, Mohan discloses the apparatus, wherein the apparatus comprises a processor configured to remove the application specific content ([0035]).

As for claim 32, Mohan discloses the apparatus, wherein the application specific content includes authentication information indicating authentication of a sender of the media message to program a call response ([0049-0051] and [0086]).

As for claim 33, Mohan discloses the apparatus, wherein the authentication information comprises at least a personal identification number code ([0045]).

As for claim 34, Mohan discloses the apparatus, configured to check the authentication information before programming the call response ([0086]).

As for claim 35, Mohan discloses the apparatus, wherein the application specific content includes at least one parameter of: a time of a call; control information for network provided information / assisted operation; different messages based on callee's location; and a validity time of the instructions, wherein the parameters allow different responses to be played to different callers and at different calling times ([0075]).

As for claim 36, Mohan discloses the apparatus, wherein the terminal is a mobile terminal (Fig.1: 102 A).



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As for claim 37, Mohan discloses the apparatus, comprising at least one of: a server; and a multimedia messaging service center (Fig.1: MPCM 194).

As for claim 38, Mohan discloses an apparatus (abstract) comprising: storing means (Mohan: claim 40); and a receiver (Fig.2: SPI-138 and Mohan: claim 33) configured to receive, from a terminal, a media message which includes response content and application specific content; and a processor ([0027]) configured to process the media message to derive the response content, to store the derived response content of the media message and to process the application specific content (see rejection for claim 1).

As for claim 39, Mohan discloses the apparatus, wherein the processor is configured to play, when one of a call and a session request of another terminal directed to the terminal is forwarded to the apparatus, one of the response content and at least a part of the response content to the another terminal as a voice mail announcement ([0079]).

As for claim 40, Mohan discloses the apparatus, further comprising: a transmitter (Fig.2: SPI-138 and Mohan: claim 34) configured to generate and transmit the media message comprising one of the response content and at least a part of the response content to the another terminal ([0079]).

As for claim 41, Mohan discloses the apparatus, wherein the processor is configured to check a media capability of the another terminal, and the apparatus further comprises: a transmitter configured to generate and transmit the media message comprising one of the response content and at least a part of the response content to the another terminal when the processor detects that the another terminal has media capability ([0052-0053]).

As for claim 42, Mohan discloses the apparatus, wherein the media message sent to the apparatus includes application specific content, and wherein the processor is configured to

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process the application specific content, and to remove the application specific content ([0035]).

As for claim 43, Mohan discloses the apparatus, wherein the apparatus is implemented in a multimedia messaging service center (Fig.1: MPCM 194).

As for claim 44, Mohan discloses the apparatus, wherein the media message includes caller identification information indicating one of a caller of a call and a session directed to the apparatus, and wherein the receiver is configured to receive the response content of the media message in the apparatus associated with the caller identification information ([0045]).

As for claim 45, Mohan discloses the apparatus, wherein the receiver is configured to receive at least two response contents associated to a same terminal, or a user of the same terminal, and to different caller identification information (see rejection for claim 18).

As for claim 46, Mohan discloses the apparatus, wherein the processor is configured to detect, when one of a call and a session request of another terminal directed to the terminal is forwarded to the apparatus, a caller identification information indicating a caller of one of a call and the session forwarded to the apparatus, and to transmit or play, to the another terminal, the response content which is associated with the terminal and with the detected caller identification information ([0086] and [0082]).

As for claim 47, Mohan discloses a apparatus (Fig.2: client 130), comprising:  
a transceiver ([0039]: inherent, since capable to transmit and receive with wireless network);  
and a processor ([0039]: inherent, for application software for execution) configured to prepare a programming media message to program an automatic call response server, the programming media message including response content to be transmitted to an automatic call response server ([0039], also see rejection for claim 1).

As for claim 48, Mohan discloses the apparatus, wherein the processor is configured to

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prepare a multimedia messaging service message or a session initiation protocol message ([0033] and [0074]).

As for claim 50, Mohan discloses the apparatus, wherein the application specific content includes information indicating authorization of the apparatus to program the call response server ([0045]).

As for claim 51, Mohan discloses the apparatus, wherein the information comprises at least a personal identification number code ([0045]).

As for claim 52, Mohan discloses the apparatus, wherein the processor is configured to prepare a programming media message comprising caller identification information indicating a caller one of a call and a session directed to the server ([0045]).

As for claim 53, Mohan discloses the apparatus, wherein the processor configured to prepare the programming media message comprises an application in the apparatus to create media messages, the application configured to handle messaging with the call response server ([0039]).

As for claim 54, Mohan discloses the apparatus, wherein the application is configured to assist a user in creation of programming media messages ([0039]).

As for claim 55, Mohan discloses the apparatus, wherein the application is configured to provide assistance in a form of pre-defined or user modifiable forms displayed to the user to fill in ([0039]).

As for claim 56, Mohan discloses the apparatus, wherein the application is configured to use a library of previously created or pre-defined programming media messages ([0039]).

As for claim 57, Mohan discloses the apparatus, wherein the application is configured to store information on at least one of a status of the automatic call response service and a history of the automatic call response service ([0082]).

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As for claim 58, Mohan discloses a computer-readable storage medium encoded with instructions configured to control a computer to perform a process, the process comprising: preparing a programming media message to program an automatic call response server, the programming media message including response content and application specific content which is to be transmitted to the automatic call response server (Mohan: claim 45) (also see rejection for claim 1).

As for claim 64, Mohan discloses a computer-readable storage medium encoded with instructions configured to control a computer to perform a process, the process comprising: receiving in a response server a media message, the media message comprising response content and application specific content; and using the application specific content to program a call response of the response server (Mohan: claim 45) (also see rejection for claim 1).

As for claim 65, Mohan discloses a method, comprising: preparing a programming media message to program automatic call response server, the programming media message including an application specific content to program the automatic call response server, and response content; and transmitting the programming media message to the automatic call response server (Mohan: claim 44) (also see rejection for claim 1).

As for claim 66, Mohan discloses the method, further comprising: preparing a multimedia messaging service message or a session initiation protocol message ([0033] and [0074]).

As for claim 67, Mohan discloses the method, further comprising: preparing a programming media message comprising caller identification information indicating a caller one of a call and a session directed to the server ([0045]).

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***Response to Arguments***

6. Applicant's arguments with respect to claims 1-9, 12-29, 31-48, 50-58 and 64-67 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KING whose telephone number is (571)270-1950. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FAN TSANG can be reached on (571)272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

24 April 2009

/SIMON KING/  
Examiner, Art Unit 2614

/Simon Sing/

Primary Examiner, Art Unit 2614